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111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

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JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
Murphy : LETTER REGARDING PTA
Application No. 09/594,685 :
Filed: June 16, 2000 :
Atty. Dkt. No.: 8627/405 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed August 1, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed June 11, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 1,392 days. Applicants indicate that this adjustment may extend the term of this patent by too many or too few days and review calculation and correction of the patent term adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 1,322 days.

The application was properly accorded an adjustment of 270 days in accordance with 37 CFR 1.702(a)(1).

The application was properly accorded an adjustment of 1,197 in accordance with 37 CFR 1.702(a)(3).

The adjustment was properly reduced 38 days in days in accordance with 37 CFR 1.704(b) in connection with the reply filed December 16, 2002.

The adjustment was properly reduced two days in accordance with 37 CFR 1.704(b) in connection with the request for continued examination filed June 9, 2003.

The adjustment was properly reduced two days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed November 10, 2003.

The adjustment was properly reduced 33 days in accordance with 37 CFR 1.704(b) in connection with the reply to the non-final Office action filed July 27, 2004.

A review of the record reveals that the Office failed to assess a reduction of 61 days in connection with the response to the Notice to File Missing Parts (Notice) mailed August 8, 2000. In accordance with 37 CFR 1.704(b), the reduction commenced November 9, 2000, the day after the date that is three months after the date that the Notice was mailed, and ended January 8, 2001, the date that a response to the Notice was filed.

Further review of the record reveals that the Office neglected to assess a reduction of nine days in connection with the re-mailing of the non-final Office action on May 22, 2002. In accordance with 37 CFR 1.704(c)(6)(i), the reduction commenced May 14, 2002, the day after the date that the initial Office action was mailed, and ended May 22, 2002, the date that the supplemental Office action was mailed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 1,322 days (adjustment totalling 1,467 days less reductions totalling 145 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation

Day : Saturday
Date: 6/20/2009**PALM INTRANET**

Time: 08:21:58

PTA Calculations for Application: 09/594685

Application Filing Date:	06/16/2000	PTO Delay (PTO):	1467
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	75
Post-Issue Petitions:	0	Total PTA (days):	1322
PTO Delay Adjustment:	-70		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
138	06/20/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	1197		
137	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		61	
136	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		9	
135	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		1197	
125	06/11/2008	MAIL NOTICE OF ALLOWANCE			
124	06/10/2008	ISSUE REVISION COMPLETED			
123	06/10/2008	DOCUMENT VERIFICATION			
122	06/10/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
121	06/10/2008	NOTICE OF ALLOWABILITY			
117	05/21/2008	MAIL BPAI DECISION ON APPEAL - AFFIRMED IN PART	1197		76
116	05/21/2008	BPAI DECISION - EXAMINER AFFIRMED IN PART			
115	02/15/2008	DOCKETING NOTICE MAILED TO APPELLANT			
114	02/14/2008	ASSIGNMENT OF APPEAL NUMBER			
113	01/24/2008	APPEAL AWAITING BPAI DOCKETING			
112	11/01/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
111	10/29/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
110	10/09/2007	REPLY BRIEF FILED			
109	10/12/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
108	10/10/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
107	09/27/2007	DATE FORWARDED TO EXAMINER			

106	05/25/2007	REPLY BRIEF FILED			
105	09/27/2007	APPEAL READY FOR BPAI DOCKETING			
104	09/12/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
103	09/04/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
102	06/28/2007	APPEAL BRIEF REVIEW COMPLETE			
101	06/28/2007	DATE FORWARDED TO EXAMINER			
100	06/14/2007	RESP. TO POST-EXAMINER ANS			
99	05/25/2007	MISCELLANEOUS INCOMING LETTER			
98	05/24/2007	MAIL POST-EXAMINER ANS. COM			
97	05/23/2007	POST-EXAMINER ANS. COM			
96	05/23/2007	EXAM. ANS. REVIEW COMPLETE			
95	05/23/2007	APPEAL BRIEF REVIEW COMPLETE			
94	04/05/2005	MISCELLANEOUS INCOMING LETTER			
93	03/26/2007	MAIL EXAMINER'S ANSWER			
92	03/19/2007	EXAMINER'S ANSWER TO APPEAL BRIEF			
91	11/21/2006	MAIL-PETITION DECISION - DISMISSED			
90	05/09/2005	PETITION ENTERED			
89	08/22/2006	DATE FORWARDED TO EXAMINER			
88	08/22/2005	APPEAL BRIEF FILED			
87	03/12/2006	CASE DOCKETED TO EXAMINER IN GAU			
86	03/07/2006	CASE DOCKETED TO EXAMINER IN GAU			
85	10/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
84	10/05/2005	CASE DOCKETED TO EXAMINER IN GAU			
81	08/09/2005	NOTICE -- DEFECTIVE APPEAL BRIEF			
80	06/03/2005	DATE FORWARDED TO EXAMINER			
79.1	04/13/2005	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
79	04/13/2005	APPEAL BRIEF FILED			
76	02/10/2005	NOTICE OF APPEAL FILED			
75	04/28/2005	MISCELLANEOUS INCOMING LETTER			
74	05/13/2005	CORRESPONDENCE ADDRESS CHANGE			
73	04/13/2005	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
72	04/13/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
70	04/13/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			

69	04/11/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
68	03/10/2005	MAIL ADVISORY ACTION (PTOL - 303)			
67	03/07/2005	ADVISORY ACTION (PTOL-303)			
66	03/02/2005	DATE FORWARDED TO EXAMINER			
65	02/10/2005	AMENDMENT AFTER FINAL REJECTION			
64	02/10/2005	WORKFLOW INCOMING AMENDMENT IFW			
63	11/15/2004	MAIL FINAL REJECTION (PTOL - 326)			
62	11/12/2004	FINAL REJECTION			
61	08/18/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
60.7	07/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	58
60	07/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
59	08/18/2004	DATE FORWARDED TO EXAMINER			
58	07/27/2004	RESPONSE AFTER NON-FINAL ACTION		33	52
57	07/27/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
56	07/27/2004	REFERENCE CAPTURE ON IDS			
55	08/21/2001	REFERENCE CAPTURE ON IDS			
54	08/16/2001	REFERENCE CAPTURE ON IDS			
53	07/27/2004	WORKFLOW INCOMING AMENDMENT IFW			
52	03/24/2004	MAIL NON-FINAL REJECTION			
51	03/22/2004	NON-FINAL REJECTION			
50	01/20/2004	DATE FORWARDED TO EXAMINER			
49	01/15/2004	APPEAL BRIEF FILED			
48	12/22/2003	CORRESPONDENCE ADDRESS CHANGE			
47	12/22/2003	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
46	11/10/2003	NOTICE OF APPEAL FILED		2	45
45	08/08/2003	MAIL FINAL REJECTION (PTOL - 326)			
44	08/08/2003	FINAL REJECTION			
43	06/12/2003	NEW OR ADDITIONAL DRAWING FILED			
42	06/09/2003	INCOMING LETTER PERTAINING TO THE DRAWINGS			
41	06/13/2003	DATE FORWARDED TO EXAMINER			
40	06/09/2003	REQUEST FOR CONTINUED EXAMINATION (RCE)		2	30

39	06/13/2003	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
38	06/09/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
37	06/09/2003	WORKFLOW - REQUEST FOR RCE - BEGIN			
36	06/12/2003	WORKFLOW - REQUEST FOR RCE - BEGIN			
35	05/14/2003	NEW OR ADDITIONAL DRAWING FILED			
34	05/13/2003	MAIL ADVISORY ACTION (PTOL - 303)			
33	05/12/2003	ADVISORY ACTION (PTOL-303)			
32	05/06/2003	DATE FORWARDED TO EXAMINER			
31	04/30/2003	AMENDMENT AFTER FINAL REJECTION			
30	03/07/2003	MAIL FINAL REJECTION (PTOL - 326)			
29	03/07/2003	FINAL REJECTION			
28	12/16/2002	NEW OR ADDITIONAL DRAWING FILED			
27	12/31/2002	DATE FORWARDED TO EXAMINER			
26	12/16/2002	RESPONSE AFTER NON-FINAL ACTION		38	24
25	12/16/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	08/08/2002	MAIL SUPPLEMENTAL NON-FINAL ACTION			
23	08/06/2002	SUPPLEMENTAL NON-FINAL ACTION			
22	05/13/2002	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
21	05/13/2002	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
20	05/22/2002	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
19	05/22/2002	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
18	05/13/2002	MAIL NON-FINAL REJECTION	270		-1
17	05/10/2002	NON-FINAL REJECTION			
16	03/20/2002	CASE DOCKETED TO EXAMINER IN GAU			
15	03/20/2002	CASE DOCKETED TO EXAMINER IN GAU			
14	02/05/2002	CASE DOCKETED TO EXAMINER IN GAU			
13	02/05/2002	CASE DOCKETED TO EXAMINER IN GAU			
12	10/12/2001	SUPPLEMENTAL PAPERS - OATH OR DECLARATION			
11	10/12/2001	PRELIMINARY AMENDMENT			
10.7	08/21/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

10	08/21/2001	FILED			
9.7	08/16/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	08/16/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	03/02/2001	POWER TO MAKE COPIES AND/OR INSPECT			
7	02/01/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	01/11/2001	APPLICATION DISPATCHED FROM OIPE			
5	01/11/2001	APPLICATION IS NOW COMPLETE			
4	08/08/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	08/07/2000	CORRESPONDENCE ADDRESS CHANGE			
2	07/06/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	06/16/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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